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EXTRAORDINARY

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PART II — Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The followings Bills were introduced in Lok Sabha on 18th December, 2017:—

BILL No. 203 OF 2017

A Bill further to amend the National Council for Teacher Education Act, 1993.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the National Council for Teacher Education (Amendment) Act, 2017. Short title and commencement.

(2) It shall be deemed to have come into force on the 17th day of August, 1995.

73 of 1993.

2. In the National Council for Teacher Education Act, 1993 (hereinafter referred to as the principal Act), in section 14, in sub-section (1), after the proviso, the following proviso

Amendment of section 14.

shall be inserted, namely:—

“Provided further that such institutions, as may be specified by the Central Government by notification in the Official Gazette, which—

(i) are funded by the Central Government or the State Government or the Union territory Administration;

(ii) have offered a course or training in teacher education on or after the appointed day till the academic year 2017-2018; and

(iii) fulfil the conditions specified under clause (a) of sub-section (3), shall be deemed to have been recognised by the Regional Committee.”.

Amendment
of section 15.

3. In section 15 of the principal Act, in sub-section (1), the following proviso shall be inserted, namely:—

“Provided that the course or training in teacher education offered on or after the appointed day till the academic year 2017-2018 by such institutions, as may be specified by the Central Government by notification in the Official Gazette, which—

(i) are funded by the Central Government or the State Government or the Union territory Administration; and

(ii) fulfil the conditions specified under clause (a) of sub-section (3), shall be deemed to have been granted permission by the Regional Committee.”.

STATEMENT OF OBJECTS AND REASONS

The National Council for Teacher Education Act, 1993 (the Act) was enacted to provide for the establishment of a National Council for Teacher Education with a view to achieving planned and co-ordinated development of the teacher education system throughout the country, the regulation and proper maintenance of norms and standards in the teacher education system and for matters connected therewith.

2. Section 14 of the Act provides that every institution offering teacher education course has to obtain recognition from the Regional Committee. Section 15 of the Act also requires that where any recognised institution intends to start any new course or training in teacher education, it has to obtain permission from the Regional Committee concerned.

3. However, certain institutions funded by the Central Government, the State Government or the Union territory Administration failed to obtain recognition and permission from the said Council as required by sections 14 and 15 of the Act, though these institutions admitted students for the teacher education and training courses. Subsequently, some of those institutions represented to the said Council for granting retrospective recognition to them or permission for such courses offered by them, as the case may be.

4. In order to ensure that the future of the students who have already undergone the teacher training courses in such institutions is not put to jeopardy, it has been decided as a one-time measure to grant retrospective recognition or permission to such institutions or courses, as the case may be, by suitably amending sections 14 and 15 of the Act.

5. Accordingly, it is decided to introduce a Bill, namely, the National Council for Teacher Education (Amendment) Bill, 2017, which proposes to amend—

(a) section 14 of the Act to grant retrospective recognition to such institutions funded by the Central Government or State Government or the Union territory Administration, and as may be notified by the Central Government, which offered teacher education courses on or after the appointed day till the academic year 2017-2018; and

(b) section 15 of the Act to grant retrospective permission to the new course or training in teacher education offered by the institutions, as may be notified by the Central Government, on or after the appointed day till the academic year 2017-2018.

6. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 16th November, 2017.

PRAKASH JAVADEKAR.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill provides for amendment to section 14 of the National Council for Teacher Education Act, 1993 so as to provide deemed recognition by the Regional Committee to the institutions, as may be specified by the Central Government, by notification, which are (i) funded by the Central Government or the State Government or the Union territory Administration; (ii) have offered a course or training in teacher education on or after the appointed day till the academic year 2017-2018; and (iii) fulfil the conditions specified under clause (a) of sub-section (3) of the said section.

Clause 3 of the Bill provides for amendment to section 15 of the said Act so as to provide deemed permission by the Regional Committee to the course or training in teacher education offered on or after the appointed day till the academic year 2017-2018 by such institutions, as may be specified by the Central Government, by notification, which (i) are funded by the Central Government or the State Government or the Union territory Administration; and (ii) fulfil the conditions specified under clause (a) of sub-section (3) of the said section.

The matter in respect of which notifications may be issued are matters of procedure or administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 205 OF 2017

A Bill further to amend the Payment of Gratuity Act, 1972.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Payment of Gratuity (Amendment) Act, 2017.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

39 of 1972.

2. In the Payment of Gratuity Act, 1972 (hereinafter referred to as the principal Act), in section 2, for clause (k), the following clause shall be substituted, namely:—

Amendment
of section 2.

'(k) "notification" means a notification published in the Official Gazette and the expression "notified" shall be construed accordingly;'.

3. In section 2A of the principal Act, in sub-section (2), in the *Explanation*, in clause (iv), for the words "twelve weeks", the words "such period as may be notified by the Central Government from time to time" shall be substituted.

Amendment
of section 2A.

4. In section 4 of the principal Act, in sub-section (3), for the words "ten lakh rupees", the words "such amount as may be notified by the Central Government from time to time" shall be substituted.

Amendment
of section 4.

STATEMENT OF OBJECTS AND REASONS

The Payment of Gratuity Act, 1972 (the Act) was enacted to provide for a scheme for the payment of gratuity to employees engaged in factories, mines, oilfields, plantations, ports, railway companies, shops or other establishments who have rendered a minimum five years of continuous service with the establishment employing ten or more persons. The calculation of gratuity amount is based on a formula, which is fifteen days of wages for each year of completed service, subject to a ceiling. The present ceiling, as provided under section 4 of the Act is rupees ten lakhs which was fixed in the year 2010.

2. The period of twelve weeks of maximum maternity leave presently provided in section 2A of the Act for the purpose of calculating continuous service under the Act is on the basis of period of maximum maternity leave as provided in the Maternity Benefit Act, 1961. The maximum maternity leave under the Maternity Benefit Act, 1961 has been enhanced from twelve weeks to twenty-six weeks by the Maternity Benefit (Amendment) Act, 2017. It is therefore proposed to empower the Central Government to enhance the period of existing twelve weeks to such period as may be notified by it.

3. The provisions contained in the Central Civil Services (Pension) Rules, 1972 for Central Government employees with regard to gratuity are similar to the provisions contained in the Act. After implementation of the 7th Central Pay Commission, the ceiling of gratuity for Central Government employees has been enhanced from rupees ten lakhs to rupees twenty lakhs. In the past, the ceiling amount of gratuity under the Act has followed the Central Pay Commission recommendations. Therefore, considering the inflation and wage increase even in case of employees engaged in private and public sector, the entitlement of gratuity is also required to be revised for employees who are covered under the Act. It has also been proposed to empower the Central Government to notify the ceiling proposed, instead of amending the said Act, so that the limit can be revised from time to time keeping in view the increase in wage and inflation, and future Pay Commissions.

4. The Payment of Gratuity (Amendment) Bill, 2017, *inter alia*, proposes to amend—

(a) section 2A of the Act so as to empower the Central Government to notify the period of maternity leave in case of female employee as deemed to be in continuous service in place of existing twelve weeks;

(b) section 4 of the Act to substitute the words "ten lakh rupees" with the words "such amount as may be notified by the Central Government from time to time".

5. The Bill seeks to achieve the above objects.

NEW DELHI;

SANTOSH KUMAR GANGWAR.

The 23rd October, 2017.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill seeks to amend the provision relating to calculation of “continuous service” for the purpose of gratuity in case of a female employee who has been on maternity leave. It empowers the Central Government to notify the period of paid maternity leave for the purposes of counting of “continuous service” under the Payment of Gratuity Act, 1972 by notification in the Official Gazette, from time to time.

2. Clause 4 of the Bill seeks to amend sub-section (3) of section 4 of the Act to substitute the words “ten lakh rupees” with “such amount as may be notified by the Central Government from time to time” which empowers the Central Government to notify the maximum amount of gratuity admissible under the Act by notification in the Official Gazette from time to time.

3. The matters in respect of which notification may be issued by the Central Government are matters of procedure or administrative details and it is not practicable to provide for this in the Bill itself. The delegation of legislation is, therefore, of a normal character.

BILL NO. 204 OF 2017

A Bill further to amend the Dentists Act, 1948.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Dentists (Amendment) Act, 2017.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section 3.

2. In section 3 of the Dentists Act, 1948 (hereinafter referred to as the principal Act), in clause (f), the words and letter “and at least two shall be dentists registered in Part B of a State register” shall be omitted. 16 of 1948.

Amendment
of section 21.

3. In section 21 of the principal Act, clause (b) shall be omitted.

Amendment
of section 23.

4. In section 23 of the principal Act, clause (b) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Dentists Act, 1948 (the Act) was enacted with a view to regulate the profession of dentistry. Section 3 of the Act provides for the constitution of the Dental Council of India (Council) for promoting dental education and dental profession in India. Section 31 of the Act provides that the Council shall maintain a register of dentists known as the Indian Dentists Register which consists of entries in all the State register of dentists. The register of dentists shall be maintained in two parts, namely Part A and Part B, Part A consisting of all dentists possessing recognised dental qualifications and Part B which contains persons not holding such qualifications but engaged in practice of dentistry as principal means of livelihood for a period not less than five years prior to the date appointed under section 32.

2. Registration under Part B was allowed from a date prior to the commencement of the Act *i.e.* 29th March, 1948 for the persons displaced during Partition and displaced from Bangladesh or repatriated from Burma or Ceylon after 14th April, 1957 and before 25th March, 1971. However, no person has been registered in Part B after the year 1972. There are approximately 950 dentists registered in Part B against 1.6 lakh dentists registered in Part A. Moreover, only few States and Union territories like West Bengal, Kerala, Jammu and Kashmir, Puducherry, Punjab and Delhi have dentists registered in Part B.

3. Section 3 of the Act provides that the Central Government nominates six members to the Council as Central Government nominees, of whom at least two shall be dentists registered in Part B of a State register. The Act also provides for the constitution of State Dental Councils with four members and Joint State Dental Councils with two members elected from among themselves by dentists registered in Part B of the State register.

4. In view of above, it is proposed to amend the Dentists Act, 1948 so as to take away the mandatory requirement of the representation of Part B dentists in the Council, State Dental Councils and Joint State Dental Councils.

5. The proposed Dentists (Amendment) Bill, 2017, provides for the following, namely:—

(a) to amend clause (f) of section 3 of the Act relating to membership of Council so as to omit the provision for nomination of at least two members registered in Part B;

(b) to omit clause (b) of section 21 of the Act relating to election of four members from Part B to the State Dental Councils; and

(c) to omit clause (b) of section 23 of the Act relating to election of two members from Part B to the Joint State Dental Councils.

6. The Bill seeks to achieve the above objectives.

NEW DELHI;

JAGAT PRAKASH NADDA.

The 21st November, 2017.

BILL NO. 208 OF 2017

A Bill further to amend the Indian Forest Act, 1927.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Indian Forest (Amendment) Act, 2017.

(2) It shall be deemed to have come into force on the 23rd day of November, 2017.

Amendment of
section 2 of
Act 16 of
1927.

2. In the Indian Forest Act, 1927, in section 2, in clause (7), the word “bamboos” shall be omitted.

Repeal and
savings.

3. (1) The Indian Forest (Amendment) Ordinance, 2017 is hereby repealed.

Ord. 6 of
2017.

(2) Notwithstanding such repeal, anything done or any action taken under the Indian Forest Act, 1927, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the said Act, as amended by this Act.

16 of 1927.

STATEMENT OF OBJECTS AND REASONS

The Indian Forest Act, 1927 (the said Act) has been enacted to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce.

2. The said Act, *inter alia*, in clause (7) of section 2 defines “tree”, which includes palms, bamboos, stumps, brush-wood and canes. The bamboo, though taxonomically a grass is treated as tree for the purpose of the said Act, and therefore, attracts the requirement of permit for transit under the said Act. Although, many States have exempted felling and transit of various species of bamboos within the States, the inter-State movement of bamboos require permit when being in transit through other States. The farmers are facing hardships in getting the permits for felling and transit of bamboos within the State and also for outside the State, which has been identified as major impediment of the cultivation of bamboos by farmers on their land.

3. Hence, it was decided to amend clause (7) of section 2 of the said Act so as to omit the word “bamboos” from the definition of tree, in order to exempt bamboos grown on non-forest area from the requirement of permit for felling or transit under the said Act, and would encourage bamboo plantation by farmers resulting in the enhancement of their income from agricultural fields.

4. Since, Parliament was not in session and immediate action was required to be taken, the Indian Forest (Amendment) Ordinance, 2017 was promulgated by the President on the 23rd day of November, 2017.

5. Accordingly, the Indian Forest (Amendment) Bill, 2017 seeks to replace the Indian Forest (Amendment) Ordinance, 2017.

6. The Bill seeks to achieve the above objectives.

NEW DELHI;

HARSH VARDHAN.

The 4th December, 2017.

BILL NO. 222 OF 2017

A Bill further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title and
commencement.

1. (1) This Act may be called the Representation of the People (Amendment) Act, 2017.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER II

AMENDMENTS TO THE REPRESENTATION OF THE PEOPLE ACT, 1950

Amendment
of section 20.

2. In the Representation of the People Act, 1950, in section 20, in sub-section (6),—
 - (i) for the words “The wife”, the words “The spouse” shall be substituted;
 - (ii) for the words “if she”, the words “if such spouse” shall be substituted.

43 of 1950.

CHAPTER III

AMENDMENTS TO THE REPRESENTATION OF THE PEOPLE ACT, 1951

Amendment of
section 60.

3. In the Representation of the People Act, 1951, in section 60,—
 - (i) in clause (b), in sub-clause (ii), for the word “wife”, occurring at both the places, the word “spouse” shall respectively be substituted;
 - (ii) after clause (b), the following clause shall be inserted, namely:—
 - “(ba) any of the persons as is referred to in section 20A of the 1950-Act to give his vote either in person or by proxy and not in any other manner at any election in a constituency where poll is taken;”.

43 of 1951.

43 of 1950.

STATEMENT OF OBJECTS AND REASONS

The Representation of the People Act, 1950 was enacted to provide for the allocation of seats in, and the delimitation of constituencies for the purpose of election to, the House of the People and the Legislatures of States, the qualifications of voter at such elections, the preparation of electoral rolls, the manner of filling seats in the Council of States to be filled by the representatives of Union territories and matters connected therewith. In the year 1951, the Representation of the People Act was enacted to provide for the conduct of elections of the Houses of Parliament and to the House or Houses of the Legislature of each State, the qualifications and disqualifications for membership of those Houses, the corrupt practices and other offences at or in connection with such elections and the decision of doubts and disputes arising out of or in connection with such elections.

2. Section 20A of the Representation of the People Act, 1950 provides for registration and enrolment of overseas electors in the electoral rolls. The Registration of Electors Rules, 1960 provide that the overseas electors can register themselves in the electoral rolls of their respective constituencies on the basis of self-attested copies of the passport and valid visa, and exercise their franchise in person on production of original passport at the time of voting at the specified polling booths. Thus, the said rules stipulate the physical presence of the overseas electors in the respective polling station in India on the day of polling. This causes hardship to the overseas electors in exercising their franchise by being present in India on the day of polling.

3. In view of the above difficulty faced by the overseas electors, the Government has considered the feasibility of facilitating external mode of voting *i.e.* voting by proxy, whereby such electors can exercise their franchise from their place of residence abroad. It is, accordingly, proposed to amend section 60 of the Representation of the People Act, 1951 to enable the overseas electors to appoint a proxy to cast the vote in an election on their behalf, subject to certain conditions to be laid down in the Conduct of Election Rules, 1961. This would considerably mitigate the difficulties presently faced by overseas electors in exercising their franchise.

4. It is also proposed to amend section 20 of the Representation of the People Act, 1950 and section 60 of the Representation of the People Act, 1951 to make these provisions gender neutral.

5. The Bill seeks to achieve the above objects.

NEW DELHI;
The 19th November, 2017.

RAVISHANKAR PRASAD.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules with respect to the matters specified under sub-clause (ba) which, *inter alia*, relate to the manner and the *modus operandi* for exercise of voting rights by overseas electors by way of appointment of a proxy for casting vote on their behalf by carrying out necessary amendments in the Conduct of Election Rules, 1961.

2. Sub-section (3) of section 169 of the Principal Act requires that every rule made under the said Act shall be laid as soon as may be after it is made before each House of Parliament.

3. The matters in respect of which rules may be made are matters of procedural and operational details and it is not practical to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

NEW DELHI;
The 18th December, 2018.

SNEHLATA SHRIVASTAVA
Secretary General.